

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

TIMOTHY C. WATSON

Plaintiff,

VS.

CORRECTIONS CORP.
OF AMERICA, et al.

Defendant

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No. 1:14-cv-1307-JDT-cgc

REPORT AND RECOMMENDATION

Before the Court, by way of Order of Reference (D.E. # 27) is the November 20, 2017 Motion to Set Aside Default Judgment. (D.E. # 25) Local Rule 7.2(a)(2) provides that “the response to the motion and its supporting memorandum... shall be filed within 14 days after service of the motion” The Local Rule further states that “[f]ailure to respond timely to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion.” To date, Plaintiff has not filed a response to the motion.

In an order entered on January 31, 2018, the Court ordered the Plaintiff to show cause why the undersigned should not consider the Motion on the record before it and file a Report and Recommendation recommending that the District Court enter an Order granting the Motion. (D.E. # 32) The order to show cause warned Plaintiff that failure to comply with the order may result in a recommendation that the complaint be dismissed for lack of prosecution pursuant to Fed.R.Civ.P 41. The order was mailed to Plaintiff via certified mail and the receipt was returned showing that the order was delivered. (D.E. # 33) Plaintiff has not complied with that order and the time set for compliance has expired.

As Plaintiff has failed to comply with the orders of the court and has been adequately warned of the consequences, it is therefore RECOMMENDED that the Motion to Set Aside Default Judgment be GRANTED and that Plaintiff's complaint be DISMISSED, pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

Signed this 15th day of February, 2018.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE SAID OBJECTIONS OR EXCEPTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.